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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,385	03/12/2001	Edwin George Watson	EGW-001	1037

7590 05/20/2004
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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/20/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,385

Applicant(s)

WATSON, EDWIN GEORGE

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is responsive to Amendment A, filed 01/05/04.
2. Claims 21-40 are pending in this application. Claims 21-23, 30, 37, and 39 are independent claims. In Amendment A, claims 1-20 are cancelled, and claims 21-40 are new claims. This action is made final.

Claim Objections

3. Claims 23-29 and 30-36 are objected to because of the following informalities: in claim 23 at line 8-9, "a users eye" should be --user eyes--. Appropriate correction is required.

The similar problem can be found in claim 30.

Other claims are also rejected because of their dependency.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 25 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 25 and 32 at line 2, Applicant has claimed "including lines, bars, arrows, frames, boxes, outlines, special fonts,

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variable spacing, and flashing characters”, which means all listing elements must be displayed on screen when marking a display status as claimed; however, the Specification does not clearly show this type of performance. The Specification only teaches that one or some of the elements as claimed above can be performed. Appropriate corrections are required.

Examiner will assume only one element to be performed when rejecting claims 25 and 32.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21-23, 26-30, and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent No. 6,184,886 B1).

As to claim 22, Bates teaches an information display system having a display area, a display processor, and at least one data set for displaying on said display area, with said data set being larger than said display screen, comprising:

- means for determining the display status of data within said data set, whereby display status is determined based on differentiating between said data which has been displayed at least once, in at least one section of the display area, from data which has not been previously

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displayed (URLs of a web site will be highlighted in one specific color (or different color) if the URLs have been previously visited by a viewer, col. 8 lines 39-46);

- means to visually mark the display status of said data, whereby said displayed data is marked to indicate to a user the difference between said data which has been displayed at least once, in at least one section of a display screen, prior to one or more screen updates, from data which has not been previously displayed, and is new as a result of the current screen update (if the viewer keeps browsing that web site, the list of highlighted URLs will keep updating to show the viewer the updated status, col. 8 lines 39-46).

As to claim 21, this is a method claim of system claim 22. Note the rejection of system claim 22 above.

As to claim 23, Bates teaches a method of displaying data in an information display system having a display screen, a display processor, and data for displaying on said display screen, said method comprising the steps of

- determining the display status of said data, whereby display status is determined based on differentiating between said data which has been displayed at least once, in at least one section of the display screen, from data which has not been previously displayed (URLs of a web site will be highlighted in one specific color (or other colors) if the URLs have been previously visited by a viewer, col. 8 lines 39-46);

- marking said displayed data according to the display status of said data, whereby said displayed data is marked to indicate to the display status of said data to assist in directing a users eye to view previously undisplayed data; continuing said determination of display status and marking steps for any subsequent display screen update, whereby each time a screen update

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occurs, the display status of said data is updated, and in turn, marking of said data based on said updated display status is also updated (if the viewer keeps browsing that web site, the list of highlighted URLs will keep updating to show the viewer the updated status, col. 8 lines 39-46).

As to claim 26, Bates teaches the method according to claim 23, wherein the step of marking further includes dissolving marking which allow said display status marking to fade away from said display area after a certain amount of elapsed display time or otherwise commanded to do so (Bates inherently shows this feature because any Web Browser has a time interval to “clear cookies” or “history” set up by the user to refresh the Web Browser on that PC, the highlighted URLs eventually will be changed back to the original color).

As to claim 27, Bates teaches the method according to claim 23, wherein the step of marking further includes switching means to toggle said display status marking between states where previously displayed data is marked to where previously undisplayed data is marked (the viewer can click either a highlighted link or a new link on that Web Site).

As to claim 28, Bates teaches the method according to claim 23, wherein the step of marking further includes means for automatic selection of said marked data, whereby the results of said display status marking can be converted to selected data in conjunction with an editing system which may use said selected data sections to perform editing procedures (the highlighted links can be copied/cut and pasted into a differently application for editing).

As to claim 29, Bates teaches the method according to claim 23, comprising a further step of including metrics means to gather and process statistics from the viewing session, whereby statistics are recorded which include but are not limited to, which sections of said data that were displayed, which sections of said data that were not displayed, elapsed time said sections of said

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data were displayed, and number of times said sections of data were displayed (col. 6 lines 30-49).

As to claim 30, this is a system claim of method claim 23. Note the rejection of claim 23 above.

As to claims 33-36, they are system claims of method claims 26-29. Note the rejections of claims 26-29 above respectively.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 24-25, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,184,886 B1) in view of Bernhardt et al. (U.S. Patent No. 6,496,208 B1).

As to claim 24, Bates teaches the method according to claim 23, wherein the step of marking further includes graphical coloring over said displayed data, whereby displayed data that is determined to be previously displayed, is marked by coloring over said data in said display, to differentiate it from newly displayed data (See claim 22 above); however, Bates does not clearly show of shading the previous displayed area. Bernhardt clearly teaches that branches in a tree structure are grouped in a particular color to show the relationship of nodes (col. 7 lines 5-26, and figs. 5-5A). It would have been obvious at the time of the invention that a person with

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ordinary skill in the art would want to use the grouping feature of Bernhardt in the highlighted links of Bates for helping the viewer easily distinguish among objects.

As to claim 25, it can be rejected under similar rationale as claim 24 above.

As to claim 31-32, they are system claims of method claims 24-25. Note the rejections of claims 24-25 above respectively.

10. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,184,886 B1) in view of Wolfe (U.S. Patent No. 5,870,770).

As to claim 39, Bates teaches an display system having a display screen, a display processor, and data to be displayed on said display screen, comprising:

- mean to determine the display status of said data, whereby display status is determined based on differentiating between said data which has been displayed at least once, in at least one section of the display screen, from data which has not been previously displayed (See claim 22 above);

- mean to position to a predetermined screen location, said displayed data, according to the display status of said data (See claim 22 above); however, Bates does not teach that the display status whereby said displayed data is positioned in the display to provide continuous viewing by forcing newly displayed data to start at essentially one begin location in said display region. Wolfe clearly states a predetermined part of a document is set up to display at the top of the document display window (col. 3 lines 45-55, and figs. 12a and 12d). It would have been obvious at the time of the invention that a person with ordinary skill in the art would

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want to be able view the beginning of a document of Wolfe in the highlighted links of Bates to maximize the display area.

As to claim 40, Bates in view of Wolfe teaches the system according to claim 39, further including the step mean to appending null data to said displayed data to allow said newly displayed data to start at said begin location within the current sized display area (figs. 12a and 12d).

As to claims 37-38, they are method claims of system claims 39-40. Note the rejection of claims 39-40 above respectively.

Response to Arguments

Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/11/04

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